

## **ORDINANCE 2015-04**

### **ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, PARTIALLY VACATING A PORTION OF THE RIGHT OF WAY FOR LOANTAKA LANE NORTH SOLELY FOR ROAD PURPOSES**

**WHEREAS**, a portion of the easterly end of the right of way for Loantaka Lane North adjacent to Block 141, Lot 3 in the Township of Chatham, County of Morris, State of New Jersey, has never been paved or used for road purposes and constitutes a paper street; and

**WHEREAS**, while this portion of Loantaka Lane North has not been used for road purposes; it has been used as a footpath and entrance to the Loantaka Brook Reservation, part of the Morris County Park Commission park system; and

**WHEREAS**, the Township has no need for this portion of Loantaka Lane North to be used for road purposes, but desires to retain the entire width and length of this portion of Loantaka Lane North for pedestrian, emergency and maintenance access to the Loantaka Brook Reservation and it appearing that the public interest will be better served by vacating this portion of Loantaka Lane North right of way solely for road purposes; and

**WHEREAS**, the property owner of Block 141, Lot 3 in the Township of Chatham requested this vacation for road purposes only and agreed that continuing to use Loantaka Lane North as a footpath and entrance to Loantaka Brook Reservation was necessary and appropriate;

**WHEREAS**, the purpose of this Ordinance is to vacate this portion of Loantaka Lane North for road purposes and as a paper street so that Block 141, Lot 3 in the Township of Chatham is no longer considered a corner lot while retaining this portion of Loantaka Lane North for pedestrian, emergency and maintenance access to the Loantaka Brook Reservation.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. A portion of the easterly side of Loantaka Lane North right of way adjacent to Block 141, Lot 3 for an approximate distance of two hundred and ninety-three (293±') feet is solely vacated for road purposes, with the entire width and length of the right of way designated for pedestrian, emergency and maintenance access to the Loantaka Brook Reservation.
2. All rights and privileges possessed by public utilities, as defined by N.J.S.A. 48:2-13, and by any cable television company, as defined in the Cable Television Act, P.L. 1972, c.186 (N.J.S.A. 48:5A-1 et seq.) to maintain, repair and replace facilities, in, adjacent to, over or under Loantaka Lane North are hereby expressly reserved from vacation.
3. At least seven (7) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance will be further

considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Township Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

- 4. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, record a copy of this Ordinance certified by the Clerk under the seal of the Township, to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Morris, in accordance with the provisions of N.J.S.A. 40:67-21.
- 5. The Mayor and Township Clerk are authorized to execute such documents as may be necessary to effectuate such purpose.
- 6. If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.
- 7. This Ordinance shall take effect and be recorded in the Office of the Morris County Clerk in accordance with law.

Introduced: January 22, 2015

Adopted: February 12, 2015

Attest:

TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY

BY: \_\_\_\_\_  
Kevin M. Sullivan, Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

I, Gregory J. LaConte, Township Clerk of the Township of Chatham in the County of Morris, New Jersey, hereby certify the foregoing to be a true complete copy of an ordinance adopted by the Township Committee of the Township of Chatham at a regular meeting held on February 12, 2015.

Date Issued: \_\_\_\_\_

\_\_\_\_\_  
Township Clerk